



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** BL2021-863, **Version:** 3

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An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from IR to SP zoning for property located at 1301 Herman Street, at the southwest corner of Herman Street and 12th Avenue North (2.11 acres), to permit a mixed use development (2.11 acres), all of which is described herein (Proposal No. 2021SP-040-001).

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from IR to SP zoning for property located at 1301 Herman Street, at the southwest corner of Herman Street and 12th Avenue North (2.11 acres), to permit a mixed use development, requested by Smith Gee Studio, applicant; Nashville Tent & Awning Co., owner., being Property Parcel No. 322 as designated on Map 092-04 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and Metropolitan Clerk's Department and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 092 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited to 445 multi-family residential units and uses of MUL-A permitted on the ground floor only. Owner occupied short term rentals and not-owner occupied short term rentals shall be prohibited. A minimum of 1,300 square feet of the ground floor shall be non-residential uses not associated with a residential use.

Section 4. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. Update the use permitted use note as follows: Permitted uses shall be limited to 445 multi-family residential units and uses of MUL-A permitted on the ground floor only. Owner occupied short term rentals and not-owner occupied short term rentals shall be prohibited. A minimum of 1,300 square feet of the ground floor shall be non-residential uses not associated with a residential use.
2. Update the Maximum building height note as follows: Max. Building Height: 7 stories within 85 feet. No setback required.
3. Update the Commercial uses notes as follows: Ground floor only. 1,300 minimum; 10,000 square foot maximum.
4. Vehicular access or curb cuts shall not be permitted along Herman Street.
5. Comply with all conditions and requirements of Metro reviewing agencies.
6. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.

7. The development shall provide adequate access that meets the requirements of the Fire Marshal's Office and Department of Public Works.
8. Note 5 under "Architectural Standards" shall be deleted.

Section 5. Be it further enacted, a corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 6. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Section 7. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council.

Section 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.